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ZONING BOARD OF APPEALS REGULAR MEETING MINUTES
Wednesday, August 11, 2021 | 7:00pm

CALL TO ORDER: The meeting was called to order at 7:00pm by Vice-Chair Don Lowell with the Pledge of Allegiance.

ZBA MEMBERS PRESENT: Vice-Chair Don Lowell, Secretary Charles Openlander, Chad Cooley and Robert Walling. Absent was Chair Mark Zarkovich.

STAFF PRESENT: Planning Director Andrea Polverento

COMMUNICATIONS RECEIVED: None

AGENDA APPROVAL:

Motion by Cooley, seconded by Walling, to approve the agenda as presented. Motion carried.

PUBLIC COMMENT, NON-AGENDA ITEMS: None

APPROVAL OF MINUTES:

1. April 14, 2021 Regular Meeting

Motion by Openlander, seconded by Walling, to approve the minutes of April 14, 2021, as presented. Motion carried.

ADVERTISED PUBLIC HEARINGS:

1. Case No. 21-07 ZBA – Variance Request – 4722 W. Grand River Ave.

Lowell opened the public hearing at 7:02pm. The public hearing procedure was summarized.

Lowell asked Polverento to summarize the facts of the case. Polverento described the request from Mr. K Enterprises to erect a digital sign in place of the existing letterboard at the Royal Scot golf course and bowling alley at 4722 W. Grand River. Polverento explained that Sec. 28-5.21.2.I of the Zoning Ordinance does not permit signs to contain any moving or animated parts nor the appearance of having any moving or animated parts. The applicant is seeking a variance which, if granted, would permit a digital sign including text which would change periodically. Polverento described the property on which the sign is located, and the general layout of the site. She noted that the property is well-served by public utilities. Surrounding properties include the north nine holes of the Royal Scot golf course, various industrial facilities on the south and west, and the Chapel Hill cemetery on the east.

Their current sign is in two parts, the top is an animated Scotsman painted as a bowler on one side and a golfer on the other. Underneath is a letterboard they currently use to describe various golf outings, banquet

festivities, specials, etc. Lately, Royal Scot has also hosted their own events on site, including a music festival and an upcoming Oktoberfest event which were advertised on the letterboard segment of the sign.

Polverento referenced the application submitted and described some of the difficulties the applicant stated they have been experiencing with the letterboard. For example, they note it is difficult to obtain replacement letters, the letters no longer fit snugly and they have occasional issues with the letters blowing away in high winds, and there can be issues with inclement weather endangering the staff who are tasked with changing the letters.

Cooley asked how frequently they would expect to change the message on a digital sign.

Amy Densteadt, Mr. K Enterprises, 4722 W. Grand River Ave., indicated that they would like to change the sign at least daily. They would not have scrolling or flashing text. Currently they change the sign weekly or every few days depending on the events they have coming up.

Cooley asked Polverento to describe the Supreme Court case that pertains to signs which was referenced in her staff report. Polverento briefly described the *Reed v. Town of Gilbert* case which was decided by the Supreme Court in 2015. Polverento indicated that the Planning Commission was just taking up the charge of amending the zoning ordinance to be more consistent with the Supreme Court decision, but due to the intricacies of that, it will likely take about a year to adopt an amendment.

Cooley asked Polverento if she thought the Planning Commission would allow digital signs as part of its update to the Zoning Ordinance. Polverento stated that based on early discussions, likely some form of digital signs may be allowed with some restrictions, but that the details will be up to the Planning Commission and ultimately the Township Board. Polverento stated that she expected that her recommendation would be to allow them in some capacity due to the number of inquiries she'd received about them over the past few years. Digital signs are desired by the township's business community.

Walling asked if a variance was approved today, how would that affect the applicant if the Planning Commission were to later adopt an ordinance permitting the digital signs in a different capacity?

Polverento stated that if the ZBA were to approve a variance for this application today, with or without any conditions, that would run with the land. If the Planning Commission were to continue to disallow them with any future ordinance updates, that would not affect them, they would continue to have the rights granted by their variance. If the Planning Commission were to adopt a less restrictive ordinance in the future, the ZBA could note in the variance that at the time of adoption, the less restrictive regulations would apply. Absent any future action by the Planning Commission, if a variance were to be approved, it would be effective in perpetuity to the current and subsequent owners.

Lowell asked the applicant if they wished to make a statement.

Densteadt stated that Royal Scot was cognizant of the fact that traffic speeds on Grand River Avenue are typically at 55mph and above, and they want to ensure safe travel along the road. They are not seeking flashing or scrolling text which might distract the vehicular traffic. She presented a few examples of the letters for their letterboard, which were large, but also cracked and broken. She explained that the cold weather is particularly hard, last winter they had a letter blow off and nearly hit a passing car. She doesn't want traffic having to swerve to avoid the blowing letters. She explained the letters are hard to find, that they have resorted to bartering with other businesses to obtain various letters.

Walling asked if the entire sign would be converted to a digital sign, or if only the letterboard area was proposed to be affected.

Densteadt referenced photos that Polverento had submitted in her staff report. The digital component is being proposed to replace only the letterboard portion of the sign. They expect to take the sign down, repaint the top, and then insert the digital sign in place of the letterboard.

Cooley asked if they planned a full color digital sign, or just a single color of letters on a background.

Densteadt responded that they were unsure at this time. They haven't been able to get quotes for products since the ordinance does not permit them, so they aren't sure exactly what options might work for them. They believe the options are basically unlimited. Densteadt showed the members of the ZBA some of the options available in a brochure they had been provided by one of the sign companies.

Cooley asked about the sign at the Knights of Columbus hall on Grand River. Densteadt and Polverento confirmed that the sign for that building is in the City of Lansing.

Densteadt showed the various examples and explained some of the possible options, including full color and possible photos to be included in some versions of digital signs. She referenced the "Love for Lily" local campaign, and said they hosted several fundraisers during the year for the cause, as Lily's dad was employed as the chef at Royal Scot. They could potentially have a picture of Lily and a "Fundraiser today from 5-7pm" type of digital image on a sign. But since they have not yet been able to fully investigate what's available to them, they aren't yet sure exactly what they might choose.

Polverento noted that she spoke with a local sign contractor while preparing the staff report, and asked about customization options. She told the members of the ZBA that the contractor had indicated that essentially all components can be customized. Colors, brightness, timing and other items can be set by the sign owner.

Walling referenced a sign at the corner of Wright Road and Grand River. Polverento noted that sign was in Eagle Township, but would fall in a "billboard" category and not a commercial sign.

Lowell asked if the digital sign would be the same size as the existing letterboard. Densteadt said that they would not be seeking anything larger.

Lowell asked if any members of the public wished to speak on this issue.

Mohamed Mukhtal, 16700 Rademaker Road, said that they owned the property next to Royal Scot. He has seen them use a long, suction cup pole to change the letters and it looks complicated. He has no opposition to Royal Scot using a digital sign.

There being no further public comment, Lowell closed the public hearing at 7:24pm.

UNFINISHED BUSINESS: None.

NEW BUSINESS:

1. Case No. 21-07 ZBA – Variance Request – 4722 W. Grand River Ave.

This request being for a dimensional, non-use variance, the members of the Zoning Board of Appeals considered and discussed the review standards described by Sec. 28-7.6 of the Zoning Ordinance. A determination of fact was made for each of the six review standards. The Zoning Board of Appeals determined the following findings of fact:

- 1.) The requested variance is unlikely to be contrary to the public interest and the spirit of the ordinance can be observed.
- 2.) The requested variance is unlikely to cause an adverse effect to property or improvements in the vicinity or in the B-2 General Business Zoning District.
- 3.) The variance request is not so recurrent in nature as to require an amendment to the Zoning Ordinance, this application is the first incidence of such an issue being raised. The Zoning Board of Appeals is aware that the Planning Commission may take up this issue at some point in the future. However, this request is specific to the applicant-described hazards of their existing letterboard sign, the applicant's inability to maintain/find replacement parts for their existing sign, and the economic needs of the applicant.
- 4.) There is evidence of practical difficulty as described below:

It is practically difficult for the applicant to maintain their existing sign. Letters often blow off the letterboard and may blow into the street or on to vehicles below. Inclement weather may endanger staff members who are responsible for changing the letters on the sign.
- 5.) The requested variance is the minimum amount necessary to maintain their existing sign function while instituting technology upgrades to provide a greater range of messages in a less hazardous manner.
- 6.) The variance request is not necessitated as a result of any action or inaction of the applicant.

Having considered the facts of the case, and having made a determination of practical difficulty, the following motion was made:

Motion by Cooley, seconded by Walling, that the application of Mr. K Enterprises dba Royal Scott Golf & Bowl, for property located at 4722 W. Grand River Ave., with a Parcel No. of 19-150-036-200-005-00 and issued Case No. 21-07 ZBA, a request for a variance from Sec. 28-5.21.2.I to permit an electronic messaging center or digital sign in the B-2 General Business Zoning District be approved, based on the findings of fact which indicate a practical difficulty in accordance with Section 28-7.6 of the Watertown Charter Township Zoning Ordinance and pursuant to the Michigan Zoning Enabling Act.

Conditions of approval:

- 1.) The maximum size of the electronic messaging center or digital sign may not exceed the size of the current letterboard.
- 2.) There shall be no scrolling text, animation, blinking, flashing, or fluttering lights nor the appearance of the above.
- 3.) Messages shall not change more than once per 15-minute period.
- 4.) The brightness of the sign shall comply with the requirements of Sec. 28-5.18, Outdoor Lighting.
- 5.) Sign permit application shall include a certification that the sign controls have the ability to regulate brightness and message frequency.
- 6.) Should an amendment to the Zoning Ordinance be adopted by the Board of Trustees which authorizes electronic messaging centers or digital signs with regulations less strict than the conditions listed above, at such time as that is adopted, the less restrictive rules shall apply.

Motion carried unanimously.

COMMITTEE REPORTS: Polverento reviewed the committee and staff reports.

COMMENTS AND QUESTIONS FROM AUDIENCE, STAFF, AND BOARD MEMBERS: None.

ADJOURNMENT:

The meeting was adjourned at 8:06pm.

Date approved: _____

Don Lowell, Vice-Chair

Charles Openlander, Secretary